IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
CRIMINAL APPLICATION NO.1125 OF 2005

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

Mr.U.V.Nikam, A.P.P. for State
Mr.Shrikant Bhat for Respondent No.1
Mr.P.G.Sabnis for Respondent No.2
Mr.M.S.Mohite for Respondent Nos.3 and 4.

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 4,2006.

P.C.:

1. Heard learned A.P.P. for State and the learned Counsel appearing for the Respondents. This Application is for condonation of delay in filing an application for leave to prefer an Appeal against acquittal. Perusal of the order dated 11th August 2004 shows that the order passed by the learned Magistrate is of discharge under section 239 of the Code of Criminal Procedure, 1973. Hence, an Appeal against acquittal is not maintainable.

2. The learned A.P.P. fairly states that the Appeal against acquittal is not maintainable and the State will have to

file a Revision Application. He prays that this Appeal may be allowed to be converted into a Revision application. The said request cannot be granted as the Revision Application will have to be filed in an appropriate Court.

3. As the Appeal against acquittal is not maintainable, no purpose will be served by entertaining this Application for condonation of delay. Accordingly, Application is rejected. In view of rejection of this Application, Criminal Application No.1123 of 2005 is also rejected.

4. Rejection of these Applications will not prevent the Applicant from taking recourse to a remedy in accordance with law for challenging the impugned Judgment and Order.

JUDGE